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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/016,823      | 12/04/2001  | Vincent Carl Harradine | 450110-03117        | 9058             |

22850 7590 12/19/2006  
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|                  |  |
|------------------|--|
| EXAMINER         |  |
| CHOWDHURY, NIGAR |  |

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 2621     |              |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 12/19/2006 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/016,823 | <b>Applicant(s)</b><br>HARRADINE ET AL. |  |
|                              | <b>Examiner</b><br>Nigar Chowdhury   | <b>Art Unit</b><br>2621                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 0401.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-59 and 66-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-59 and 66-80 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>12/15/06</u>                             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                           |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-41, 57-59, 66-68, 72-75, 79-80, drawn to an audio and/or video generation apparatus including the feature of “a recording means which is arranged in operation to record audio and/or video signals on a recording medium, a meta data generation processor which is arranged in operation to generate meta data identifying the content of audio/video signals in response to audio/video signals, and a communications processor which is operable to communicate meta data separately from recording medium”, classified in class 386, subclass 95.

Group II, claim(s) 42-46, 69, 67, drawn to a system for generating an audio and/or video production including the feature of “an acquisition processor operable in use to receive instructions from a user which instructions are representative of a list content items for the audio and/or video production, an audio and/or video generation apparatus arranged in operation to receive information representative of list of content items, and operable in use to generate audio and/or video signals in accordance with

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content items of list, and an ingestion processor which is arranged in operation to receive list of content items, and audio and/or video signals and to form audio and/or video production by associating audio and/or video signals with list of content items”, classified in class 386, subclass 69.

Group III, claim(s) 47-56, 70, 71, 77, 78 drawn to an acquisition processor including the feature of “a control processor coupled to a data store, a user interface coupled to the control processor for receiving commands from a user, and a communications interface coupled to the control processor and arranged in operation to receive data representative of pre-planned audio/video material items, wherein control processor is arranged in use to communicate data indicative of at least one of pre-planned audio/video material items to be generated by an audio/video generation apparatus”, classified in class 386, subclass 46.

2. The inventions listed as Groups I, II, III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Invention as disclosed above in Group I and Group II are not related to each other in scope and are not obvious variants. In the instant case, Group I teaches the feature of “a recording means which is arranged in operation to record audio and/or video signals on a recording medium, a meta data generation processor which is arranged in operation to generate meta data identifying the content of audio/video signals in response to audio/video signals, and a communications processor which is operable to communicate meta data separately from recording medium” as recited in

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claims 1-41, 57-59, 66-68, 72-75, 79-80 of Group I, has separate utility such as the feature of "an acquisition processor operable in use to receive instructions from a user which instructions are representative of a list content items for the audio and/or video production, an audio and/or video generation apparatus arranged in operation to receive information representative of list of content items, and operable in use to generate audio and/or video signals in accordance with content items of list, and an ingestion processor which is arranged in operation to receive list of content items, and audio and/or video signals and to form audio and/or video production by associating audio and/or video signals with list of content items" as recited in claims 42-46, 69, 76 of Group II.

Invention as disclosed above in Group I and Group III are not related to each other in scope and are not obvious variants. In the instant case, Group I teaches the feature of "a recording means which is arranged in operation to record audio and/or video signals on a recording medium, a meta data generation processor which is arranged in operation to generate meta data identifying the content of audio/video signals in response to audio/video signals, and a communications processor which is operable to communicate meta data separately from recording medium" as recited in claims 1-41, 57-59, 66-68, 72-75, 79-80 of Group I, has separate utility such as the feature of "a control processor coupled to a data store, a user interface coupled to the control processor for receiving commands from a user, and a communications interface coupled to the control processor and arranged in operation to receive data representative of pre-planned audio/video material items, wherein control processor is arranged in use to communicate data indicative of at least one of pre-planned

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audio/video material items to be generated by an audio/video generation apparatus” as recited in claims 47-56, 70, 71, 77, 78 of Group III.

Invention as disclosed above in Group II and Group III are not related to each other in scope and are not obvious variants. In the instant case, Group II teaches the feature of “an acquisition processor operable in use to receive instructions from a user which instructions are representative of a list content items for the audio and/or video production, an audio and/or video generation apparatus arranged in operation to receive information representative of list of content items, and operable in use to generate audio and/or video signals in accordance with content items of list, and an ingestion processor which is arranged in operation to receive list of content items, and audio and/or video signals and to form audio and/or video production by associating audio and/or video signals with list of content items” as recited in claims 42-46, 69, 76 of Group II, has separate utility such as the feature of “a control processor coupled to a data store, a user interface coupled to the control processor for receiving commands from a user, and a communications interface coupled to the control processor and arranged in operation to receive data representative of pre-planned audio/video material items, wherein control processor is arranged in use to communicate data indicative of at least one of pre-planned audio/video material items to be generated by an audio/video generation apparatus” as recited in claims 47-56, 70, 71, 77, 78 of Group III.

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
12/13/2006

  
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